

### **REMARKS/ARGUMENTS**

The Office Action mailed December 19, 2003 has been reviewed and carefully considered. Claims 1-20 and 29-33 are canceled. Claims 21 and 26 have been amended. Claim 34 is added. Claims 21-28 and claim 34 are pending in this application, with claim 21 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed December 19, 2003, claims 21-28 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite because the term "recreation-related" in claim 21 is not clear and the terms GSM, WAP, EDGE, TETRA, and Bluetooth in claim 26 are not clearly defined. Claim 21 has been amended to clarify that the messages to be transmitted are related to network recreation. It is respectfully submitted that network recreation is clearly described in the specification. Accordingly, the rejection of claim 21 under 35 U.S.C. §112, second paragraph, should now be withdrawn.

Claim 26 is amended to clearly define the terms objected to the Examiner. The clarifications incorporated in the claim 26 are known to those skilled in the art of network communications. In view of the above amendments and remarks, the rejection of claim 26 as indefinite should now be withdrawn.

Claims 21-28 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,569,011 (Lynch).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a system and method for simulating message delivery delay over a virtual distance between parties participating in computer-based recreational benefit applications (see page 2, lines

3-4; and page 5, lines 2-6 of the specification). The description of the related art on pages 2-4 of the specification indicates that the recreational benefit applications may include computer games (see especially page 3, lines 9-15). According to the invention, users may connect to a recreational server 500 through the internet 400 or other network to play a recreation (page 13, lines 2-4).

In one embodiment, transmission of communications between users is delayed according to a simulated speed of light (page 13, lines 6-7). In this embodiment, the actual locations and distanced between users and the simulated speed of light are used to determine the delay (page 13, lines 10-18). According to another embodiment, delays are implemented to compensate for variations in the parties connection speeds (page 17, lines 1-2). This obviates any advantages to players with faster connections by ensuring that transmissions are completed at the same time for all players.

Independent claim 21 recites "means for adapting delivery time of messages sent from a terminal to another terminal".

Lynch relates to a tracking system and method for player tracking and includes a player system 104a, 104b which may, for example, be a device worn on the arm of each player in a paintball arena (col. 1, lines 50-51; and col. 3, line 56 to col. 4, line 10). Lynch also discloses referee systems 106, target systems 108, and delivered weapon systems 110. All of the systems are connected with a tracking controller 102. Although information may be communicated between the controller 102 and the various systems, there is no disclosure, teaching or suggestion for sending messages to the player systems 104a, 104b, as expressly recited in independent claim 21. Furthermore, Lynch also fails to teach or suggest adapting delivery times of messages. Lynch contemplates that the players systems are worn by players within a certain area, i.e., a paintball arena. Furthermore, since the system disclosed by Lynch relates to a tracking function, the most up-

to-date information is required by the system as soon as possible, i.e., in real-time, so that a real-time indication of play may be monitored. Therefore, any adaptation of the delivery time would be counterproductive. Since Lynch describes that the player systems are part of the overall system, i.e., each player does not use his own terminal device, the player systems to be worn by each player would not have different connections speeds. They would all have the same connection speed. Accordingly, there is no motivation for implementing adaptation of delivery times for different connection speeds.

In view of the above amendments and remarks, it is respectfully submitted that independent claim 21 is allowable over Lynch.

Dependent claims 22-28 and 34, each being dependent on independent claim 21, are deemed allowable for the same reasons expressed above with respect to independent claim 21.

Dependent claim 22 recites that the means for determining a terminal's location includes equating the terminal's location to a terrestrial location of a proximate city. As stated above, Lynch discloses that the players are within a paintball arena. Accordingly, there is no teach or suggestion in Lynch for determining a location based on a proximate city. Dependent claim 22 is allowable over Lynch for at least these additional reasons.

Dependent claim 24 recites that the means for determining a terminal's location includes equating the terminal's location to a location associated with a postal code. Since Lynch contemplates that the users are within an area such as a paintball arena, there is no teaching or suggestion for determining a location from a postal code. Dependent claim 24 is allowable over Lynch for at least these additional reasons.

Dependent claim 25 recites that the means for linking a terminal's location to a virtual location is according to the terminal's location and virtual distances pertaining to the network creation. Lynch does not teach or suggest linking a terminal location to a virtual location. Rather, Lynch discloses that the location within the arena is used. Accordingly, dependent claim 25 is allowable over Lynch for at least this additional reason.


Dependent claim 27 recites that the means for adapting delivery time is according to the virtual location of the terminal and dependent claim 28 recites that the means for adapting delivery time is according to a connection speed associated with the terminal. As described above, Lynch relates to a tracking function and therefore fails to teach or suggest adapting the delivery time for any reason. For tracking purposes, real-time information is desirable. Accordingly, any adaptation of the delivery time in communications between the player tracking systems and the controller of Lynch prevents real time tracking. Therefore, Lynch fails to teach or suggest adaptation of delivery time according to location or connection speed, as recited in claims 27, and 28. In view of the above remarks, dependent claims 27 and 28 are allowable over Lynch for at least these additional reasons.

New claim 34 recites that the means for adapting delivery time includes implementing a delay time in the transmission of messages for simulating transmission delays in the network recreation environment or to compensate for variations in connection speeds of the terminals. As stated above, Lynch relates to a tracking function in which real time information is desirable and therefore lacks any motivation or teaching for implementing a delay in communications between the player tracking system and the tracking controller. Accordingly, claim 34 is allowable over Lynch for these additional reasons.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Respectfully submitted,

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